



## PATENT APPLICATION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

10-2-03  
Date

Cynthia Hagen  
Cynthia Hagen

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Christopher S. Piddington, Charles Petrie, Kimberly E. Shoemaker,  
Paul D. Bishop  
Serial No. : 09/978,385  
Filed : October 16, 2001  
For : ZACE2: A HUMAN METALLOENZYME  
Examiner : Moore, W.  
Art Unit : 1652  
Docket No. : 99-24C1  
Date : October 2, 2003

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION

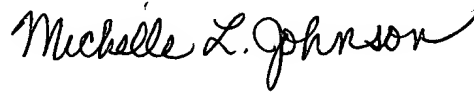
Sir:

Applicants respectfully petition for a refund of the extension of time fee of three months paid to allow response to the Office Communication dated June 2, 2003. This is because this communication was not received in our office until faxed to us by the Examiner on September 11, 2003.

The following exhibits are attached to support the non-receipt of this communication: (1) Copies of the pages of our "Received Prosecution" record book, dated 6/2/03-7/7/03, showing no receipt of any communications concerned with 99-24C1 (our docket number of this case) during this time period; and (2) a printout of our docketing system for case 99-24C1, indicating no outstanding Office Communication.

Based on the data of these exhibits, it is established that the Office Communication was not received by ZymoGenetics and therefore Applicants were unaware of any need to respond further for this application. It was not until the Examiner contacted Applicant concerning nonresponse to the Office Communication on September 11 that the existence of this letter was even known. Accordingly, Applicant should have at least 30 days to respond and has done so with the Response dated October 2 and mailed with this petition. Refund of the extension of time fee to our Deposit Account (or not charging the fee in the first place, if this is procedurally possible) is therefore justified under these facts.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Michelle L. Johnson". The signature is written in dark ink and is positioned above the printed name.

Michelle L. Johnson  
Registration No. 36,352

From Page No. \_\_\_\_\_

5/27/03 - Cont'd

01-16PC	Postcard - letter
00-19	" - amendment
00-39	" - amendment
99-01CI	" - amendment/Notice of appeal
01-30PC	Search Report
99-14	Notice of abandonment
01-44	Updated filing receipt
00-77	Restriction Req.
99-23C2	Notice of Publication
00-103	Notice of Publication
99-72CI	Issue Notification
00-45	Notice of abandonment
00-80CI	Office action
98-59	Notice of abandonment

5/29/03

01-18	Postcard - Amendment
<del>98-17CI</del>	
98-17CI	Postcard - Restriction

6/2/03

BEST AVAILABLE COPY

03-02PI	Filing receipt
99-90	Office communication
00-42	Notice of Publication of Application
01-25	Notice of Publication of Application
02-05	Filing receipt
96-06C3	Postcard
97-71J1	Postcard
00-83	" - Response Restriction
00-106	" - App
99-43	Office action
01-16	Notice of Publication
01-05	Notice of Publication
00-41	Office action

To Page

Witnessed &amp; Understood by me,

Date

Invented by

Date

Recorded by

Page No. \_\_\_\_\_

6/3/02

00-24

Office Communication

02-07

Filing Receipt

98-55D1

Filing Receipt

02-092

Notification Concerning Payment of Prescribed Fees

93-094

Maintenance Fee Statement

00-49

Office Communication

99-87C1

Postcard - Amendment

00-02C1

" - Missing Parts

00-33

" - Response

97-44C2

Issue Notification

97-30C1

Issued Patent

6/4/02

97-30C3

Filing Receipt

00-100PC

Search Rpt

00-108PC

Search Rpt

98-29C2

Office Action

6/6/03

98-11

Office Communication

6573.069

Issued Patent

00-37

Restriction Req

99-01C1

Advisory Action

00-72

Notice of Abandonment

00-90

Office Action

98-29D1

Office Action

97-65

Letter Patent

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6/9/03

02-022C

Postcard

00-42

Postcard

02-08PC

Notification Concerning Payment of Prescribed Fees

97-30C2

Filing Receipt

99-106

Notice of New or Revised Projected Publication Date

97-69

Postcard

97-05D3

Office Communication

To Page No. \_\_\_\_\_

Received &amp; Understood by me,

Date

Invented by

Date

Recorded by

Project No. \_\_\_\_\_

Book No. \_\_\_\_\_

TITLE \_\_\_\_\_

Page No. \_\_\_\_\_

6/09/03 cont'd

6,573,089

copies of issued patent

99-06C1

Postcard - app

00-84

"

- Amendment

01-12

Notice of Publication

99-103C1

Notice of Publication

00-87

Notice of Publication

00-19

Notice of Non-Compliant Amendment

99-17C1

Office Action

96-24C2

Notice of Revised Pub Date

00-63

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97-28C1

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00-74

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00-32

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00-39

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00-31

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6/10/03

96-41D1

Postcard

99-61

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00-88

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99-108D1

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00-81

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00-16D1

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99-64C1

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00-39

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99-108

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98-73C1

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99-42

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99-94

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99-44

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99-104C1

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99-70C1

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97-11C2

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99-107

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97-73

"

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To Page No. \_\_\_\_\_

Inspected &amp; Understood by me, \_\_\_\_\_

Date \_\_\_\_\_

Invented by \_\_\_\_\_

Date \_\_\_\_\_

6/10/03 cont'd

98-1301 Postcard

99-43 "

00-95 "

98-17C1 "

99-44C1 "

00-18 "

99-104 "

98-74 "

99-85 "

99-103C1 "

99-34 "

96-0901 "

01-44 "

99-104C2 "

01-33 "

00-81 "

01-20PC "

00-100PC "

" - IDS

Restriction Reg

Written Opinion

Written Opinion

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6/12/03

97-5201 Postcard

97-17C2 Notice of New or Revised Projected Publication Date

99-29C1 "

6/13/03

99-1601 Postcard

95-36C1 Notice of New or Revised Projected Publication Date

01-17 Notice of Publication of Application

00-111 "

12/03

99-104C2 Notice of Publication

98-70C1 Notice of Revised Pub Date

97-11C2 Notice of Revised Pub Date

To Page No. \_\_\_\_\_

Date

Date

Invented by

Date

From Page No. \_\_\_\_\_

6/13/03 (Cont'd)

00-38C1 Notice of Revised Pub Date  
 00-28D1 Notice of Publication  
 01-20 Notice of Publication  
 97-15D1 Notice of Publication  
 00-99 Notice of Publication  
 02-10PC Invitation to Furnish Seq

6/16/03

98-60 Postcard - Certif of Correction  
 96-20D1 " - Certif of Correction  
 98-82 " - Response to Commun.  
 00-17 Restriction Req  
 00-83 Office Action  
 01-28 Final Office Action  
 00-34C1 Office Action  
 00-67 Office Action  
 97-72C1 Letters Patent & copies  
 00-81 Corrected Filing Receipt  
 02-01PC Postcard  
 6,576,755 Copies of Issued Patent  
 02-25P2 Filing Receipt  
 99-16D1 Postcard  
 00-03D1 Postcard  
 6,576,744 Copies of Issued Patent  
 97-65 Office Communication  
 97-72C2 Filing Receipt  
 6,576,744 Issued Patent (97-55)

6/17/03

97-62D3 Office Communication  
 97-11C2 Corrected Filing Receipt  
 00-112 Postcard  
 00-42 "  
 03-08 "  
 00-02C1 Updated Filing Receipt  
 02-24P2 Filing Receipt

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Date

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Date

Recorded by

On Page No. \_\_\_\_\_

5/17/03 (cont'd)

00-103

Postcard - IDS

00-02C1

Updated Filing Receipt

0092

Notice of Revised Pub Date

6/20/03

02-11PC

Postcard

03-03

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99-50C1

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99-1212

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00-111

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02-03

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99-50

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97-49C1

Notice of New or Revised Projected Pub Date

6/23/03

97-30

Postcard

99-42

Postcard

02-10

Filing Receipt

99-11D2

Postcard - Petition

99-69C1

" - Restriction

00-47

" - Restriction

02-14

" - app

00-12

Notice of Allowance

97-04D2

Office Action

97-04D1

Office Action

98-54

Office Action

99-103C1

Restriction

01-30

Notice of Publication

01-11

Notice of Revised Pub Date

00-12

Notice of Allowance

99-39D1

Notice of Revised Pub Date

99-51C1

Notice of Revised Pub Date

98-77D1

Notice of Revised Pub Date

01-21

Notice of Revised Pub Date

99-61C1

Notice of Pub

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To Page No. \_\_\_\_\_



From Page No. \_\_\_\_\_

6/23/03 (Cont'd)

00-8001

Notice of Revised Pub Date

99-8101

Notice of Pub

6/24/03

02-05

Filing Receipt

01-40PC

Notification of Receipt of Demand

93-12D1

Suspension Notice

93-12D2

"

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93-12D3

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93-12D4

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93-12D6

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93-12C4

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93-12C5

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93-12D7

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6/25/03

99-45

Office Communication

6/26/03

00-18

Postcard

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6/27/03

01-33

Postcard - Missing Parts

6/30/03

636,554

Postcard - request for a Certificate of Grantion

97-30C3

Postcard

00-96

Postcard

98-56

Postcard

99-11D2

Decision Granting Petition

02-08

Filing Receipt

02-15

Postcard - app

99-40C1

"

- app

02-14PC

"

- app

87-19C9

Notice of Abandonment

01-11

Restriction Req

Witnessed &amp; Understood by me,

Date

Invented by

Date

To

Recorded by

From Page No. \_\_\_\_\_

6/30/03 (Contd)

01-30PC Receipt of Demand

01-15PC Waiver Opinion

99-06C1 Noted, incomplete app

00-23 Restriction Reg

99-87C1 Office Action

95-36C1 Restriction Reg

7/1/03

95-108D1 Filing Receipt

7/2/03

96-41D1 Office Communication

99-11DZ Petition Decision

01-13PC Search Rpt

01-15PC Search Rpt

7/3/03

95-44 Corrected Filing Receipt

02-15PC Postcard - app

99-103 Recordation of Assignment

7/7/03

00-24 Postcard

97-17C2 Postcard

98-79D2 Postcard

97-17C2 Postcard

99-10 Office Communication

99-21D1 Notice of Publication

99-02 Office Communication

99-41 Office Communication

00-79 Postcard - Issue Fee

01-15 " - Response

01-20PC " - Response

00-92 Restriction Reg

00-73 Office Action

98-70C1 Restriction Reg

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Date

Invented by

Date

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Thursday, October 02, 2003

## Prosecution History for USSN 09/978,385

Page: 1

Case Number	Sub	Country	Attorney	Date	Reason for Date/	Action	Application	Filing	Status
99-24	CI	US	MJ	16-Jan-2002	Response Due Due Date	US-Missing Parts	09/978,385	16-Oct-2001	Published
				Resp. Sent	10-Jan-2002	Date Taken 10-Jan-2002			
99-24	CI	US	MJ	16-Jan-2002	Information Disclosure Stmnt Due Date	Information Disclosure Stmnt	09/978,385	16-Oct-2001	Published
99-24	CI	US	MJ	16-Feb-2002	1st Extension Reminder	US-Missing Parts	09/978,385	16-Oct-2001	Published
				Resp. Sent	10-Jan-2002	Date Taken 10-Jan-2002			
99-24	CI	US	MJ	16-Mar-2002	2nd Extension Reminder	US-Missing Parts	09/978,385	16-Oct-2001	Published
				Resp. Sent	10-Jan-2002	Date Taken 10-Jan-2002			
99-24	CI	US	MJ	16-Apr-2002	Foreign Filing Reminder Due Date	Foreign Filing	09/978,385	16-Oct-2001	Published
99-24	CI	US	MJ	16-Apr-2002	3rd Extension Reminder	US-Missing Parts	09/978,385	16-Oct-2001	Published
				Resp. Sent	10-Jan-2002	Date Taken 10-Jan-2002			

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# Prosecution History

Page: 2

Case Number	Sub	Countr	Attorne	Date	Reason for Date/	Action	Application	Filing	Status
99-24	C1	US	MJ	13-May-2002	Request for Examination Due Date	Substantive Examination	09/978,385	16-Oct-2001	Published
99-24	C1	US	MJ	16-May-2002	4th Extension Reminder 10-Jan-2002	US-Missing Parts Date Taken 10-Jan-2002	09/978,385	16-Oct-2001	Published
99-24	C1	US	MJ	16-Jun-2002	Final Deadline 10-Jan-2002	US-Missing Parts Date Taken 10-Jan-2002	09/978,385	16-Oct-2001	Published
99-24	C1	US	MJ	10-Jul-2002	US-Missing Part Follow Up Date Due Date 10-Jan-2002	US-Missing Parts Date Taken 21-Feb-2002	09/978,385	16-Oct-2001	Published
99-24	C1	US	MJ	27-Sep-2002	Due Date - Election Due Date 27-Feb-2003	US-Restriction Requirement Date Taken 27-Feb-2003	09/978,385	16-Oct-2001	Published
99-24	C1	US	MJ	16-Oct-2002	Foreign Filing Due Final	Foreign Filing	09/978,385	16-Oct-2001	Published

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## Prosecution History

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Case Number	Sub	Counter	Attorney	Date	Reason for Date/	Action	Application	Filing	Status
99-24	C1	US	MJ	27-Oct-2002	1st Extension	US-Restriction Requirement	09/978,385	16-Oct-2001	Published
				Resp. Sent	Reminder				
					27-Feb-2003	Date Taken 27-Feb-2003			
99-24	C1	US	MJ	27-Nov-2002	2nd Extension	US-Restriction Requirement	09/978,385	16-Oct-2001	Published
				Resp. Sent	Reminder				
					27-Feb-2003	Date Taken 27-Feb-2003			
99-24	C1	US	MJ	27-Dec-2002	3rd Extension	US-Restriction Requirement	09/978,385	16-Oct-2001	Published
				Resp. Sent	Reminder				
					27-Feb-2003	Date Taken 27-Feb-2003			
99-24	C1	US	MJ	27-Jan-2003	4th Extension	US-Restriction Requirement	09/978,385	16-Oct-2001	Published
				Resp. Sent	Reminder				
					27-Feb-2003	Date Taken 27-Feb-2003			
99-24	C1	US	MJ	27-Feb-2003	Final Deadline	US-Restriction Requirement	09/978,385	16-Oct-2001	Published
				Resp. Sent	Final				
					27-Feb-2003	Date Taken 27-Feb-2003			
99-24	C1	US	MJ	16-Apr-2003	Application Status Check	Application Status Check	09/978,385	16-Oct-2001	Published
				Due Date					